

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 2/19/2019 9:57:46 PM
To: Humphreys, Hayly [humphreys.hayly@epa.gov]
Subject: FW: Heartland Institute Leads Coalition Supporting Confirmation of Andrew Wheeler as EPA Administrator

Will you print the letter off for Andrew?

From: Bennett, Tate
Sent: Tuesday, February 19, 2019 4:57 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Block, Molly <block.molly@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Fwd: Heartland Institute Leads Coalition Supporting Confirmation of Andrew Wheeler as EPA Administrator

Begin forwarded message:

From: "Teller, Paul S. EOP/WHO" <Ex. 6 Personal Privacy (PP)>
Date: February 19, 2019 at 4:52:08 PM EST
To: "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: FW: Heartland Institute Leads Coalition Supporting Confirmation of Andrew Wheeler as EPA Administrator

FYI—just making sure this made it your way---

Paul Teller
Special Assistant to the President for Legislative Affairs
The White House

Ex. 6 Personal Privacy (PP)

From: Jim Lakely <JLakely@heartland.org>
Sent: Tuesday, February 19, 2019 3:59 PM
To: Teller, Paul S. EOP/WHO Ex. 6 Personal Privacy (PP)
Subject: [EXTERNAL] FW: Heartland Institute Leads Coalition Supporting Confirmation of Andrew Wheeler as EPA Administrator

Here's the release, Paul.

Jim Lakely
Director of Communications
The Heartland Institute
3939 North Wilke Drive
Arlington Heights, IL 60004
o: 312-377-4000
c: Ex. 6 Personal Privacy (PP)
Twitter: @HeartlandInst

From: Jim Lakely [mailto:jlakely@heartland.org]
Sent: Tuesday, February 19, 2019 2:55 PM

To: Jim Lakely

Subject: Heartland Institute Leads Coalition Supporting Confirmation of Andrew Wheeler as EPA Administrator



Heartland Institute Leads Coalition Supporting Confirmation of Andrew Wheeler as EPA Administrator

‘Wheeler is supremely qualified to continue the outstanding record of accomplishment at the EPA under President Trump’

ARLINGTON HEIGHTS, IL (February 19, 2019) – A coalition of 11 nonprofit organizations have signed a joint letter urging the United States Senate to confirm Andrew Wheeler as Administrator of the Environmental Protection Agency (EPA).

President Donald Trump appointed Andrew Wheeler as EPA’s Acting Administrator on July 5, 2018, and on January 9 nominated him for the permanent role as Administrator. The Senate Environment and Public Works Committee voted to approve him on February 9 and is slated for a full Senate vote soon.

The letter of support for Wheeler’s confirmation was signed by The Heartland Institute, Americans for Limited Government, Americans for Prosperity, Americans for Tax Reform, the Caesar Rodney Institute, CFACT, the Competitive Enterprise Institute, the Cornwall Alliance for the Stewardship of Creation, E&E Legal Foundation, Freedom Partners Chamber of Commerce, and FreedomWorks.

To speak to the signers of the letter, please contact Director of Communications Jim Lakely at jlakely@heartland.org or call/text his cell at 312-731-9364.

The Heartland Institute is a 35-year-old national nonprofit organization headquartered in Arlington Heights, Illinois. Its mission is to discover, develop, and promote free-market solutions to social and economic problems.

A PDF of the letter can be found [at this link](#), and can be read below.

Dear United States Senators:

Article II, Section 2, Clause 2 of the United States Constitution, also known as the Appointments Clause, gives the President the power to nominate public officials with the advice and consent of the Senate, including administrators of executive agencies such as the Environmental Protection Agency (EPA). In the entire history of the U.S. Senate it has confirmed more than 500 Cabinet nominations, with only 9 rejections and 15 withdrawals. Clearly the Senate grants the President a great deal of deference with his nominations in all but the most extreme situations.

President Trump appointed Andrew Wheeler as EPA's Acting Administrator on July 5, 2018, and on January 9 of this year officially nominated him for the permanent role as Administrator. He was successfully voted out of the Senate Environment and Public Works Committee on February 9 and will likely face a full Senate confirmation vote later this month.

The result of that confirmation vote should be "yes" with a strong majority.

Wheeler is supremely qualified to continue the outstanding record of accomplishment at the EPA under President Trump:

- The EPA under President Trump has finalized 33 deregulatory actions at a savings of almost \$2 billion to Americans, removed 22 sites from the Superfund National Priorities List – nearly eliminating the backlog of chemical submissions and registration actions that have festered for many years, and helped finance more than \$4B in water infrastructure projects.
- Interestingly, greenhouse gas (GHG) emissions from major industrial sources have decreased by 2.7 percent during President Trump's first year in office – a better record than major countries that signed the Paris Climate Agreement, from which the president wisely extracted the United States. GHG emissions in the European Union have actually increased since that agreement was signed in 2015.
- The EPA under Wheeler has proposed the Affordable Clean Energy (ACE) Rule to replace the Clean Power Plan (CPP) to reduce GHG emissions from power plants. The CPP was such an egregious and arguably unconstitutional power grab of state energy policy authority that in an extremely unusual case it was stayed by the U.S. Supreme Court in February 2016. The ACE Rule, put forward by Wheeler, is a far more reasonable approach that views the states as partners, rather than adversaries by commandeering their authority as under the CPP Rule.
- EPA under President Trump ended "secret science" and "sue and settle" as official policies at EPA that did not serve the people of the United States. EPA has also canceled unworkable CAFE standards that produce vehicles the public doesn't want, and changed the definition for Waters of the United States (WOTUS) to prevent massive regulatory burdens on businesses and landowners.
- The EPA under Acting Administrator Wheeler has also done its part to help make America a dominant energy power again. EPA is now back to carrying out its original mission of protecting our air and water as opposed to shutting down coal plants and making promises we can't keep.

We ask that the United States Senate fulfill its Constitutional obligation and confirm the well-qualified Andrew Wheeler as EPA Administrator.

Sincerely,

E. Calvin Beisner, Ph.D.

Founder and National Spokesman

The Cornwall Alliance for the Stewardship of Creation

Adam Brandon

President

FreedomWorks

Myron Ebell

Director, Center for Energy and Environment
Competitive Enterprise Institute

Brent Wm. Gardner

Chief Government Affairs Officer
Americans for Prosperity

Tim Huelskamp, Ph.D.

President and CEO
The Heartland Institute

Rick Manning

President
Americans for Limited Government

Nathan Nascimento

Executive Vice President
Freedom Partners Chamber of Commerce

Grover Norquist

President
Americans for Tax Reform

Craig Richardson

President
E&E Legal Foundation

Craig Rucker

President
CFACT

David T. Stevenson

Policy Director
Caesar Rodney Institute

###

This email was sent to jlakely@heartland.org

The Heartland Institute, 3939 North Wilke Road, Arlington Heights, IL 60004, United States

[Unsubscribe](#)

Message

From: Tim Huelskamp [THuelskamp@heartland.org]
Sent: 2/26/2019 7:02:51 PM
To: George Jamerson [GJamerson@heartland.org]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Aaron Stover [AStover@heartland.org]
Subject: RE: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf
Attachments: ATT00001.txt

Ryan,

Thank you for allowing us to meet with Administrator Wheeler. I appreciated the opportunity to visit and discuss the great things happening at the EPA.

I'd also like to email introduce you to George Jamerson, who took over our Government Relations department a few weeks ago. George has some experience in OK policy as well.

As always, please let us know how we can be of any assistance.

Sincerely,



Tim Huelskamp, Ph.D.
President, The Heartland Institute
www.heartland.org

Ex. 6 Personal Privacy (PP)

-----Original Message-----

From: Ringel, Aaron [mailto:ringel.aaron@epa.gov]
Sent: Monday, February 25, 2019 8:14 PM
To: Jessica.Unruh@Nacoal.com
Cc: Jackson, Ryan; Aaron Stover; Tim Huelskamp
Subject: Re: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

Hi Jessica, thanks for the letter. Is there any way we can get it addressed to Rep. Markwayne Mullin instead of Ranking Member Walden? Rep. Mullin is going to submit it for the record and the committee has asked that it be addressed to him. If you could email it to the congressman's staffer Miranda Moorman (Miranda.Moorman@mail.house.gov) she can ensure he submits it for the record during the hearing tomorrow morning.

Sorry for the last minute change, we really appreciate your willingness to weigh in!

Best,
Aaron Ringel
Office of Congressional and Intergovernmental Relations
U.S. EPA

Sent from my iPhone

> On Feb 25, 2019, at 5:33 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>
>

>
> -----Original Message-----
> From: Unruh, Jessica [mailto:Jessica.Unruh@Nacoal.com]
> Sent: Monday, February 25, 2019 5:27 PM
> To: Aaron Stover <AStover@heartland.org>; Tim Huelskamp <THuelskamp@heartland.org>; bette@bettegrande.com; Jackson, Ryan <jackson.ryan@epa.gov>
> Subject: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf
>
> Good afternoon, all!
>
> I've attached my letter to this email. Please let me know if you need any additional information. I truly appreciate the opportunity to weigh in on this very important issue.
>
> Thank you,
>
> Sen. Jessica Unruh
>
> NOTICE: If you have received this communication in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.
> <Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf>
>
>
> Sent from my iPhone

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 2/28/2019 8:33:59 PM
To: Goodin, John [Goodin.John@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]; Leadership_Regional_Administrators [Leadership_Regional_Administrators@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]; Walker, Mary [walker.mary@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

Folks,

This is a really nice example of the great feedback Anna and others are getting on our trading memo. Thanks for your support in this effort, and I ask you to encourage your teams here at HQ and in the Regions to use this moment in time to think creatively and holistically about how to solve our water quality challenges. Addressing excess nutrients, improving stormwater management, making integrated planning a reality, and a host of other areas can and will benefit from getting out of our regulatory comfort zone. I encourage you to work with Anna and our team here at HQ to look for projects and opportunities to implement this new policy as quickly and effectively as you can.

Thanks again, and keep up the great work everyone!

Dave

Sent from my iPad

Begin forwarded message:

From: **Ex. 6 Personal Privacy (PP)**
Date: February 28, 2019 at 1:33:10 PM CST
To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover <astover@heartland.org>
Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>
Subject: **Water Quality Trading Memo - follow up**

Dear Anna,

At the request of Dr. Huelskamp, President of The Heartland Institute, as Science Director I have reviewed in detail your memorandum on market based solutions to improve the coordination of water use and water quality programs. I find it to be of exceptional value moving forward to continue to improve our nations water supply programs.

I was present working with EPA at its inception in 1971 serving on the Drinking Water Advisory Council. We discussed these approaches. However because it took a decade before all states had received primacy in carrying out the 7 pieces of legislation that underpinned EPA's efforts to ensure the very best water supply in the world, getting the states and geographic groupings to

work together definitely took a backseat. The 2003 directives were a new beginning without adequate effect. It is exciting to see this new effort that I believe can succeed this time.

The willingness of EPA to help finance some coordinated programs should help sell the program, but a great deal of marketing to the states will be necessary to overcome inertia in their existing programs. I am sure Dr. Huelskamp will be happy to have Heartland help in any way we could make an educational contribution.

I think you are off to a terrific start with this clear and detailed memorandum.

Jay Lehr, Ph.D
Science Director
The Heartland Institute

From: "Wildeman, Anna"
<wildeman.anna@epa.gov>
Date: February 21, 2019 at 1:24:00
PM EST
To: "astover@heartland.org"
<astover@heartland.org>
Cc: "Ross, David P"
<ross.davidp@epa.gov>
**Subject: Water Quality Trading
Memo - follow up**

Aaron,

Great to meet you today and hear about your work. As promised, attached is EPA's new policy memo on water quality trading. We are very interested in promoting market-based mechanisms to promote water quality improvements. Please let me know if you have any questions or if you would like to discuss further.

Best,

Anna

Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Ann@epa.gov




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 6 2009

OFFICE OF WATER

MEMORANDUM

SUBJECT: Updating the Environmental Protection Agency's (EPA) Water Quality Trading Policy to Promote Market-Based Mechanisms for Improving Water Quality

FROM: David P. Ross
Assistant Administrator 

TO: Regional Administrators, Region 1-10

In recent years, the EPA has worked closely with states and tribes to encourage the development of numeric water quality criteria and Total Maximum Daily Loads (TMDLs) in an effort to reduce pollution in our Nation's waterways. These and other Clean Water Act regulatory tools remain available to states, tribes, and stakeholders; however, the EPA believes that market-based programs, including water quality trading, as well as incentive- and community-based programs can be used more effectively than they have to date to achieve water quality improvements. These types of programs can operate independent of or in coordination with the EPA's traditional regulatory programs to maximize environmental outcomes. The EPA is issuing this memorandum to provide additional flexibility to states and tribes to encourage states, tribes, and stakeholders to consider how market-, incentive- and community-based programs may supplement their water quality improvement efforts.¹ The Agency's expectation is that states and tribes will develop robust and defensible water quality trading programs that comply with the Clean Water Act and result in water quality improvements.

Purposes of this Memorandum

- 1) To reiterate the EPA's strong support for water quality trading and other market-based programs to maximize pollutant reduction efforts and improve water quality.
- 2) To accelerate the adoption of market-based programs that will incentivize implementation of technologies and land use practices that reduce nonpoint pollution in our Nation's waters.
- 3) To provide additional guidance to states, tribes, and stakeholders regarding the use of market-based programs to reduce water pollution at lower overall cost.
- 4) To promote increased investment in conservation actions.

¹ The terms "water quality trading" and "market-based" are used throughout this memorandum, but states, tribes, and stakeholders should consider incorporating the principles outlined below into other types of incentive- and community-based programs, as well as other collaborative approaches to achieving water quality improvements, including, for example, pay-for-success programs, coordinated point/nonpoint pollution reduction or offset projects, and environmental bonding efforts.

Background

The EPA strongly supports water quality trading and other market-based programs that can promote water quality improvements at a lower cost.² The EPA has long interpreted the Clean Water Act to allow pollutant reductions from water quality trading, offsets and other similar programs to be used for ensuring compliance with regulatory requirements.³ These mechanisms, however, have not been used to their fullest potential in part because the EPA's existing policy may limit that potential.

In 2003, for example, the EPA issued its Water Quality Trading Policy (2003 Policy),⁴ which included options for states, tribes, and stakeholders to consider when developing water quality trading programs. Contrary to the Agency's intent and expectations, the 2003 Policy has not facilitated the widespread adoption of water quality trading. Based upon a detailed review of the 2003 Policy, as well as information and data received through informal stakeholder outreach, the Agency now believes that the 2003 Policy may be too prescriptive to be widely effective and implementable.

A detailed and prescriptive set of recommendations may have been preferred when the EPA issued the 2003 Policy. However, in the intervening fifteen years nonpoint pollution reduction technologies and practices have improved, research has helped inform the effectiveness and performance of many nonpoint practices, technical mapping and robust modeling programs have become capable of evaluating resources at the edge-of-field and at the landscape scale, and in-stream and other monitoring approaches have expanded our understanding of the resources we are working to protect. These significant advances in resource management tools have created an opportunity for the Agency to modernize its water quality trading policies. The EPA acknowledges that some small-scale market-based projects have successfully implemented recommendations from the 2003 Policy and supports the continued application of the 2003 Policy for those projects. The Agency may consider future stakeholder engagement to determine the continued utility of the 2003 Policy. To facilitate broader adoption of market-based programs in the near-term, the Agency is now announcing some "Market-Based Principles" that are designed to encourage creativity and innovation in the development and implementation of market-based pollutant reduction programs.

The EPA further understands the 2003 Policy has been interpreted by many states, tribes, and stakeholders as having the force and effect of law, mandating certain actions or outcomes, and containing standards or requirements with which a market-based program must comply. Like all agency guidance documents, the 2003 Policy provides recommendations to states, tribes, and stakeholders, but the Agency cannot mandate any specific regulatory action, outcome or requirement without first going through the rulemaking process. This memorandum is intended to provide ideas and opportunities for

² For further information regarding Clean Water Act water quality trading, including examples of prior trading efforts, see: <https://www.epa.gov/npdes/water-quality-trading>.

³ Water quality trading was recognized for its potential to reduce pollutant discharges into waterways at least as far back as the 1960s. J.H. Dales, 1968, *Land, Water, and Ownership*, Canadian Journal of Economics, vol1(4), pages 791-804, November. In the 1980s, based on air emissions trading models, several water quality trading pioneering efforts were initiated, such as such as Fox River, Wisconsin and Lake Dillon, Colorado, though formal trades were not undertaken until the 1990s.

⁴ U.S. EPA, *Water Quality Trading Policy*, January 13, 2003, https://www.epa.gov/sites/production/files/2016-04/documents/wqtradingtoolkit_app_b_trading_policy.pdf.

states, tribes, and stakeholders to consider as they develop market-based water quality improvement policies.

Market-based programs intended to facilitate compliance with effluent limits and other legal requirements must comply with the Clean Water Act. Consistent with the cooperative federalism foundation of the Clean Water Act, states and tribes should work with stakeholders to understand what types of market-based programs may work best for their resource needs. Today's memorandum identifies six broad market-based principles that the EPA supports to reduce pollutants in our Nation's waters. These principles do not represent the universe of policy options available to states, tribes, and stakeholders; rather, they are intended to encourage creativity and innovation in state and local policy development.

The EPA acknowledges that some principles in this memorandum may differ from the 2003 Policy and other guidance or technical memoranda the Agency previously issued concerning water quality trading. The intent of this memorandum is to clarify and expand the range of policy options available for states, tribes, and stakeholders to consider. States and tribes should adopt policy principles that will be most effective for their communities and resources. The EPA is committed to assisting states, tribes, and stakeholders with developing new market-based programs, refining existing programs that have not been widely implemented, engaging in problem solving, and facilitating flexible approaches to achieving meaningful pollutant reductions. The Agency may also consider mechanisms to provide greater long term regulatory certainty, including modernizing its regulatory programs.

Market-Based Principles

States, tribes, and stakeholders should consider implementing water quality trading and other market-based programs on a watershed scale.

- Focusing on a watershed boundary for planning and achieving water quality improvements is often more appropriate than using a municipal or jurisdictional boundary.
- Working within a larger geographic area may facilitate greater market opportunities and participation, resulting in larger scale resource improvements over time.
- The EPA encourages states and tribes to work together to achieve resource improvements through interstate market-based programs and other collaborative approaches.

The EPA encourages the use of adaptive management strategies for implementing market-based programs.

- Demanding too much precision in measuring or predicting pollutant reductions from certain types of discharges, e.g., point source stormwater and nonpoint source runoff, can be an impediment to market-based programs. Stormwater and nonpoint source discharges and related reductions can be subject to confounding natural variability not typically seen with traditional point sources which can make them difficult to estimate. Similarly, though the environmental benefits of stormwater and nonpoint reductions may be significant, they may not be immediately or precisely measurable in the

- resource. Accordingly, the EPA encourages states, tribes, and stakeholders to consider allowing credits to be generated and verified based on scientifically defensible estimates of pollutant reductions from applicable technologies and land-based practices.
- States, tribes, and stakeholders should consider whether third-party credit verification, aggregation, or audit service providers may add value to market-based programs without being overly burdensome or cost prohibitive to participants.
- Market-based programs should include adaptive management concepts to allow improvement and refinement over time without sacrificing regulatory certainty for existing market participants.
- Policy makers and stakeholders pursuing a small market-based program should consider structuring the program so it can be integrated into a larger regional program in the future.
- Regulators should consider identifying, recommending, or endorsing current models that can provide accountability and near-term regulatory and market certainty for generating and verifying credits. In the alternative, regulators should consider whether models used for this purpose should be designed with certain characteristics to promote, for example, transparency and regulatory certainty. In either case, a program should allow modeling and measurement strategies to evolve and improve over time, without sacrificing certainty for market participants. The use of appropriate models and verification practices may reduce or eliminate the need for trade ratios which ultimately reduce the value of a water quality credit and increase the cost of participation.

Water quality credits and offsets may be banked for future use.

- Allowing banking and future use of water quality credits encourages early adoption of pollutant reduction practices, reduces risks associated with practice failures, and will likely broaden and strengthen the marketplace for buyers and sellers, resulting in larger scale resource improvements over time.
- To further reward early adopters, states, tribes, and stakeholders should consider whether existing practices could generate credits or offsets on a look-back basis. For example, activities that reduce runoff and nonpoint source discharges may have occurred before a trading program was established. Within a look-back framework, if those activities or pollution controls are sufficiently documented they may have generated credits, even though they occurred before the trading program was established. If a program authorizes credits to be generated on a look-back basis, it may reduce or eliminate the need for investment or "seed money" to finance the first round of credit-generating pollutant reductions because look-back credits may be available for purchase at the time or soon after the market begins operating.

The EPA encourages simplicity and flexibility in implementing baseline concepts.

- Overly rigid and complicated baseline policies and expensive baseline requirements are often a barrier to entry into a market-based program.
- Complicated baseline calculations can create regulatory and market uncertainty.
- Documented current conditions can provide a simple and appropriate baseline: for facilities subject to permit conditions or other legal requirements, a program that uses current conditions as a baseline should require full compliance with legal requirements.

- In watersheds with approved TMDLs, states, tribes, and stakeholders should consider whether it is appropriate to apply the load allocation baseline uniformly across the watershed, or instead apply it on a geographic basis within the watershed to maximize water quality improvements and minimize the risk of hot spots. For example, a resource manager may determine that reductions of nonpoint pollution at certain locations within the watershed will result in reductions sufficient to meet the TMDL load allocation baseline (e.g., at the headwaters of streams or along the shoreline of the impaired waterbody). In some cases, TMDLs or TMDL implementation plans may need to be modified to provide additional flexibility.

A single project may generate credits for multiple markets.

- Projects that generate multiple types of credits may promote more holistic resource improvements, including habitat and wetland restoration and protection of endangered and threatened species on a local, watershed, or landscape scale.
- For example, if a single project reduces pollutant discharges into waterways, reduces air emissions, and creates wetlands or wildlife habitat in accordance with an established market-based trading or banking program, the project proponent should be able to generate and sell credits within each of those programs or markets.
- The ability to generate multiple types of credits may create additional financial incentives for landowners, conservationists and innovators to participate in market-based environmental improvement projects, and may promote portfolio diversification and increased financial opportunity for existing and future credit providers.

Financing opportunities exist to assist with deployment of nonpoint land use practices.

- The EPA encourages the use of innovative financing mechanisms to promote integrated point and nonpoint pollutant reduction strategies, including the use of environmental and community bonds, Section 319 grants, State Revolving Loan Funds, and Water Infrastructure Finance and Innovation (WIFIA) funds.
- The EPA also offers financial technical support through the Water Finance Center. The Water Finance Center is an information and assistance center, helping communities make informed decisions for drinking water, wastewater, and stormwater infrastructure. The Water Finance Center works with communities, financial institutions and experts to explore leading-edge approaches to procurement and funding solutions, and developing roadmaps that identify and support best practices. This includes new and emerging finance approaches that address water quality and quantity challenges such as: Pay for Success, Pay for Performance, green bonds, energy and water performance contracting, water quality trading, and additional conservation financing strategies.

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 2/28/2019 8:18:48 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

Wanted to share this follow up from our Heartland meeting.

Sent from my iPad

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From: Ex. 6 Personal Privacy (PP)
Date: February 28, 2019 at 1:33:10 PM CST
To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover <astover@heartland.org>
Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>
Subject: Water Quality Trading Memo - follow up

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I think you are off to a terrific start with this clear and detailed memorandum.

Jay Lehr, Ph.D
Science Director
The Heartland Institute

From: "Wildeman, Anna"
<wildeman.anna@epa.gov>
Date: February 21, 2019 at 1:24:00

PM EST

To: "astover@heartland.org"

<astover@heartland.org>

Cc: "Ross, David P"

<ross.davidp@epa.gov>

**Subject: Water Quality Trading
Memo - follow up**

Aaron,

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Best,

Anna

Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Anna@epa.gov




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 6 2009

OFFICE OF WATER

MEMORANDUM

SUBJECT: Updating the Environmental Protection Agency's (EPA) Water Quality Trading Policy to Promote Market-Based Mechanisms for Improving Water Quality

FROM: David P. Ross
Assistant Administrator 

TO: Regional Administrators, Region 1-10

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Purposes of this Memorandum

- 1) To reiterate the EPA's strong support for water quality trading and other market-based programs to maximize pollutant reduction efforts and improve water quality.
- 2) To accelerate the adoption of market-based programs that will incentivize implementation of technologies and land use practices that reduce nonpoint pollution in our Nation's waters.
- 3) To provide additional guidance to states, tribes, and stakeholders regarding the use of market-based programs to reduce water pollution at lower overall cost.
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Background

The EPA strongly supports water quality trading and other market-based programs that can promote water quality improvements at a lower cost.² The EPA has long interpreted the Clean Water Act to allow pollutant reductions from water quality trading, offsets and other similar programs to be used for ensuring compliance with regulatory requirements.³ These mechanisms, however, have not been used to their fullest potential in part because the EPA's existing policy may limit that potential.

In 2003, for example, the EPA issued its Water Quality Trading Policy (2003 Policy),⁴ which included options for states, tribes, and stakeholders to consider when developing water quality trading programs. Contrary to the Agency's intent and expectations, the 2003 Policy has not facilitated the widespread adoption of water quality trading. Based upon a detailed review of the 2003 Policy, as well as information and data received through informal stakeholder outreach, the Agency now believes that the 2003 Policy may be too prescriptive to be widely effective and implementable.

A detailed and prescriptive set of recommendations may have been preferred when the EPA issued the 2003 Policy. However, in the intervening fifteen years nonpoint pollution reduction technologies and practices have improved, research has helped inform the effectiveness and performance of many nonpoint practices, technical mapping and robust modeling programs have become capable of evaluating resources at the edge-of-field and at the landscape scale, and in-stream and other monitoring approaches have expanded our understanding of the resources we are working to protect. These significant advances in resource management tools have created an opportunity for the Agency to modernize its water quality trading policies. The EPA acknowledges that some small-scale market-based projects have successfully implemented recommendations from the 2003 Policy and supports the continued application of the 2003 Policy for those projects. The Agency may consider future stakeholder engagement to determine the continued utility of the 2003 Policy. To facilitate broader adoption of market-based programs in the near-term, the Agency is now announcing some "Market-Based Principles" that are designed to encourage creativity and innovation in the development and implementation of market-based pollutant reduction programs.

The EPA further understands the 2003 Policy has been interpreted by many states, tribes, and stakeholders as having the force and effect of law, mandating certain actions or outcomes, and containing standards or requirements with which a market-based program must comply. Like all agency guidance documents, the 2003 Policy provides recommendations to states, tribes, and stakeholders, but the Agency cannot mandate any specific regulatory action, outcome or requirement without first going through the rulemaking process. This memorandum is intended to provide ideas and opportunities for

² For further information regarding Clean Water Act water quality trading, including examples of prior trading efforts, see: <https://www.epa.gov/npdes/water-quality-trading>.

³ Water quality trading was recognized for its potential to reduce pollutant discharges into waterways at least as far back as the 1960s. J.H. Dales, 1968, *Land, Water, and Ownership*, Canadian Journal of Economics, vol1(4), pages 791-804, November. In the 1980s, based on air emissions trading models, several water quality trading pioneering efforts were initiated, such as such as Fox River, Wisconsin and Lake Dillon, Colorado, though formal trades were not undertaken until the 1990s.

⁴ U.S. EPA, *Water Quality Trading Policy*, January 13, 2003, https://www.epa.gov/sites/production/files/2016-04/documents/wqtradingtoolkit_app_b_trading_policy.pdf.

states, tribes, and stakeholders to consider as they develop market-based water quality improvement policies.

Market-based programs intended to facilitate compliance with effluent limits and other legal requirements must comply with the Clean Water Act. Consistent with the cooperative federalism foundation of the Clean Water Act, states and tribes should work with stakeholders to understand what types of market-based programs may work best for their resource needs. Today's memorandum identifies six broad market-based principles that the EPA supports to reduce pollutants in our Nation's waters. These principles do not represent the universe of policy options available to states, tribes, and stakeholders; rather, they are intended to encourage creativity and innovation in state and local policy development.

The EPA acknowledges that some principles in this memorandum may differ from the 2003 Policy and other guidance or technical memoranda the Agency previously issued concerning water quality trading. The intent of this memorandum is to clarify and expand the range of policy options available for states, tribes, and stakeholders to consider. States and tribes should adopt policy principles that will be most effective for their communities and resources. The EPA is committed to assisting states, tribes, and stakeholders with developing new market-based programs, refining existing programs that have not been widely implemented, engaging in problem solving, and facilitating flexible approaches to achieving meaningful pollutant reductions. The Agency may also consider mechanisms to provide greater long term regulatory certainty, including modernizing its regulatory programs.

Market-Based Principles

States, tribes, and stakeholders should consider implementing water quality trading and other market-based programs on a watershed scale.

- Focusing on a watershed boundary for planning and achieving water quality improvements is often more appropriate than using a municipal or jurisdictional boundary.
- Working within a larger geographic area may facilitate greater market opportunities and participation, resulting in larger scale resource improvements over time.
- The EPA encourages states and tribes to work together to achieve resource improvements through interstate market-based programs and other collaborative approaches.

The EPA encourages the use of adaptive management strategies for implementing market-based programs.

- Demanding too much precision in measuring or predicting pollutant reductions from certain types of discharges, e.g., point source stormwater and nonpoint source runoff, can be an impediment to market-based programs. Stormwater and nonpoint source discharges and related reductions can be subject to confounding natural variability not typically seen with traditional point sources which can make them difficult to estimate. Similarly, though the environmental benefits of stormwater and nonpoint reductions may be significant, they may not be immediately or precisely measurable in the

- resource. Accordingly, the EPA encourages states, tribes, and stakeholders to consider allowing credits to be generated and verified based on scientifically defensible estimates of pollutant reductions from applicable technologies and land-based practices.
- States, tribes, and stakeholders should consider whether third-party credit verification, aggregation, or audit service providers may add value to market-based programs without being overly burdensome or cost prohibitive to participants.
- Market-based programs should include adaptive management concepts to allow improvement and refinement over time without sacrificing regulatory certainty for existing market participants.
- Policy makers and stakeholders pursuing a small market-based program should consider structuring the program so it can be integrated into a larger regional program in the future.
- Regulators should consider identifying, recommending, or endorsing current models that can provide accountability and near-term regulatory and market certainty for generating and verifying credits. In the alternative, regulators should consider whether models used for this purpose should be designed with certain characteristics to promote, for example, transparency and regulatory certainty. In either case, a program should allow modeling and measurement strategies to evolve and improve over time, without sacrificing certainty for market participants. The use of appropriate models and verification practices may reduce or eliminate the need for trade ratios which ultimately reduce the value of a water quality credit and increase the cost of participation.

Water quality credits and offsets may be banked for future use.

- Allowing banking and future use of water quality credits encourages early adoption of pollutant reduction practices, reduces risks associated with practice failures, and will likely broaden and strengthen the marketplace for buyers and sellers, resulting in larger scale resource improvements over time.
- To further reward early adopters, states, tribes, and stakeholders should consider whether existing practices could generate credits or offsets on a look-back basis. For example, activities that reduce runoff and nonpoint source discharges may have occurred before a trading program was established. Within a look-back framework, if those activities or pollution controls are sufficiently documented they may have generated credits, even though they occurred before the trading program was established. If a program authorizes credits to be generated on a look-back basis, it may reduce or eliminate the need for investment or "seed money" to finance the first round of credit-generating pollutant reductions because look-back credits may be available for purchase at the time or soon after the market begins operating.

The EPA encourages simplicity and flexibility in implementing baseline concepts.

- Overly rigid and complicated baseline policies and expensive baseline requirements are often a barrier to entry into a market-based program.
- Complicated baseline calculations can create regulatory and market uncertainty.
- Documented current conditions can provide a simple and appropriate baseline: for facilities subject to permit conditions or other legal requirements, a program that uses current conditions as a baseline should require full compliance with legal requirements.

- In watersheds with approved TMDLs, states, tribes, and stakeholders should consider whether it is appropriate to apply the load allocation baseline uniformly across the watershed, or instead apply it on a geographic basis within the watershed to maximize water quality improvements and minimize the risk of hot spots. For example, a resource manager may determine that reductions of nonpoint pollution at certain locations within the watershed will result in reductions sufficient to meet the TMDL load allocation baseline (e.g., at the headwaters of streams or along the shoreline of the impaired waterbody). In some cases, TMDLs or TMDL implementation plans may need to be modified to provide additional flexibility.

A single project may generate credits for multiple markets.

- Projects that generate multiple types of credits may promote more holistic resource improvements, including habitat and wetland restoration and protection of endangered and threatened species on a local, watershed, or landscape scale.
- For example, if a single project reduces pollutant discharges into waterways, reduces air emissions, and creates wetlands or wildlife habitat in accordance with an established market-based trading or banking program, the project proponent should be able to generate and sell credits within each of those programs or markets.
- The ability to generate multiple types of credits may create additional financial incentives for landowners, conservationists and innovators to participate in market-based environmental improvement projects, and may promote portfolio diversification and increased financial opportunity for existing and future credit providers.

Financing opportunities exist to assist with deployment of nonpoint land use practices.

- The EPA encourages the use of innovative financing mechanisms to promote integrated point and nonpoint pollutant reduction strategies, including the use of environmental and community bonds, Section 319 grants, State Revolving Loan Funds, and Water Infrastructure Finance and Innovation (WIFIA) funds.
- The EPA also offers financial technical support through the Water Finance Center. The Water Finance Center is an information and assistance center, helping communities make informed decisions for drinking water, wastewater, and stormwater infrastructure. The Water Finance Center works with communities, financial institutions and experts to explore leading-edge approaches to procurement and funding solutions, and developing roadmaps that identify and support best practices. This includes new and emerging finance approaches that address water quality and quantity challenges such as: Pay for Success, Pay for Performance, green bonds, energy and water performance contracting, water quality trading, and additional conservation financing strategies.

Message

From: George Jamerson [GJamerson@heartland.org]
Sent: 2/28/2019 1:29:31 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Intro From Tim Huelskamp

Ryan,

I wanted to introduce myself as I just joined up with the Heartland team as GR Director recently and will be working closely with Tim on issues both state and federal. Please feel free to consider me as well as Tim and Aaron if you need something.

I was referred to you by a close friend and mentor Pat McFerron in Oklahoma. I worked very closely with Pat and his team prior to coming to Heartland. I'm trying to expand our relations right now with Governors and Pat mentioned that you might be able to connect me with Donelle Harder in Governor Stitt's office. I would like Heartland to be an ally and reference for them on policy in Oklahoma. If you wouldn't mind making that connection, I would really appreciate it!

Sincerely,

George Jamerson
Director Of Government Relations
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004
E-mail: gjamerson@heartland.org
Direct line: 312-377-4000 ex. 122
Cell: Ex. 6 Personal Privacy (PP)
Fax number: 312-277-4122
Website: www.heartland.org

Message

From: Unruh, Jessica [Jessica.Unruh@Nacoal.com]
Sent: 2/26/2019 4:20:48 AM
To: Ringel, Aaron [ringel.aaron@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; AStover@heartland.org; THuelskamp@heartland.org
Subject: Re: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

Of course. You can expect it in the morning. Thank you so very much!

Jessica

Sent from my iPhone

> On Feb 25, 2019, at 7:14 PM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

>

> Hi Jessica, thanks for the letter. Is there any way we can get it addressed to Rep. Markwayne Mullin instead of Ranking Member Walden? Rep. Mullin is going to submit it for the record and the committee has asked that it be addressed to him. If you could email it to the congressman's staffer Miranda Moorman (Miranda.Moorman@mail.house.gov) she can ensure he submits it for the record during the hearing tomorrow morning.

>

> Sorry for the last minute change, we really appreciate your willingness to weigh in!

>

> Best,
> Aaron Ringel
> Office of Congressional and Intergovernmental Relations
> U.S. EPA

>

> Sent from my iPhone

>

>> On Feb 25, 2019, at 5:33 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>

>>

>>

>> -----Original Message-----

>> From: Unruh, Jessica [mailto:Jessica.Unruh@Nacoal.com]

>> Sent: Monday, February 25, 2019 5:27 PM

>> To: Aaron Stover <AStover@heartland.org>; Tim Huelskamp <THuelskamp@heartland.org>; bette@bettegrande.com; Jackson, Ryan <jackson.ryan@epa.gov>

>> Subject: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

>>

>> Good afternoon, all!

>>

>> I've attached my letter to this email. Please let me know if you need any additional information. I truly appreciate the opportunity to weigh in on this very important issue.

>>

>> Thank you,

>>

>> Sen. Jessica Unruh

>>

>> NOTICE: If you have received this communication in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.

>> <Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf>

>>

>>

>> Sent from my iPhone

NOTICE: If you have received this communication in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 2/26/2019 2:14:06 AM
To: Jessica.Unruh@Nacoal.com
CC: Jackson, Ryan [jackson.ryan@epa.gov]; AStover@heartland.org; THuelskamp@heartland.org
Subject: Re: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

Hi Jessica, thanks for the letter. Is there any way we can get it addressed to Rep. Markwayne Mullin instead of Ranking Member Walden? Rep. Mullin is going to submit it for the record and the committee has asked that it be addressed to him. If you could email it to the congressman's staffer Miranda Moorman (Miranda.Moorman@mail.house.gov) she can ensure he submits it for the record during the hearing tomorrow morning.

Sorry for the last minute change, we really appreciate your willingness to weigh in!

Best,
Aaron Ringel
Office of Congressional and Intergovernmental Relations
U.S. EPA

Sent from my iPhone

> On Feb 25, 2019, at 5:33 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>
>
>

> -----Original Message-----

> From: Unruh, Jessica [mailto:Jessica.Unruh@Nacoal.com]

> Sent: Monday, February 25, 2019 5:27 PM

> To: Aaron Stover <AStover@heartland.org>; Tim Huelskamp <THuelskamp@heartland.org>;
bette@bettegrande.com; Jackson, Ryan <jackson.ryan@epa.gov>

> Subject: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

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> Sen. Jessica Unruh

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> <Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf>

>

>

> Sent from my iPhone

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 2/25/2019 11:51:56 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf
Attachments: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf; ATT00001.htm

I have a quick question about this. Can we chat for a minute?

Travis Voyles
O: (202) 564-6399
C: Ex. 6 Personal Privacy (PP)

From: Ringel, Aaron
Sent: Monday, February 25, 2019 5:38 PM
To: Voyles, Travis <Voyles.Travis@epa.gov>
Subject: Fwd: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

Can you get this to Jen for tomorrow?

Sent from my iPhone

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: February 25, 2019 at 5:33:13 PM EST
To: "Ringel, Aaron" <ringel.aaron@epa.gov>
Subject: FW: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

-----Original Message-----

From: Unruh, Jessica [mailto:Jessica.Unruh@Nacoal.com]
Sent: Monday, February 25, 2019 5:27 PM
To: Aaron Stover <AStover@heartland.org>; Tim Huelskamp <THuelskamp@heartland.org>;
bette@bettegrande.com; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

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Thank you,

Sen. Jessica Unruh

NOTICE: If you have received this communication in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.

Senator Jessica Unruh
North Dakota State Senate
District 33
1224 1st Ave. NE
Beulah, ND 58523

February 25, 2019

The Honorable Greg Walden
Ranking Member
House Committee on Energy & Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Walden:

I am North Dakota state Senator Jessica Unruh. In addition to representing the fine citizens in my district of North Dakota for the past 8 years, I have spent 15 years as an environmental regulatory manager for a coal mine, working hand in hand with state regulators implementing federal environmental regulatory programs.

I write to express my support for and describe the value of a state-run primacy program for environmental quality monitoring and enforcement. I will outline the local approach a state-run program provides, its efficacy and the benefit to the American taxpayer as the state partners with EPA on environmental compliance and enforcement.

North Dakota is only one of a handful of states that meets all the national air quality standards and is one of the largest producers of energy in the nation. We are the number two oil producer in the country, ninth in production of coal, thirty-third in electrical generation from coal, number thirty-nine in wind, biomass, and hydroelectric generation, number one in six total agriculture crops and North Dakota is still ranked number one in air and water quality. The environmental quality we North Dakotans enjoy shows that we put the environment first. The North Dakota Department of Environmental Quality (DEQ), created with a bill I introduced, through its programs and its primacy will continue to provide our citizens clean air, clean water and superior soil quality.

North Dakota prioritizes the environment and achieves results all while producing energy our country can rely on. North Dakota lignite coal provides low-cost and dependable electricity to over two million consumers and businesses throughout the Midwest and, according to the U.S. Energy Information Administration, North Dakota ranks near the top for low-cost electricity for residential use. North Dakota is also a top oil producing state, second only to Texas. In December we set a new production record of 1.4 million barrels per day.

EPA's strategic plan for 2018 -2022 includes three goals: to deliver real results, embrace cooperative Federalism, and follow the rule of law and process. These three goals will protect the environment while providing cost savings and real buy in from companies regulated under the law.

In this strategic plan, EPA recognizes the partnership that the states provide as the first line of regulation and enforcement, with EPA as the second layer, ready to step in when the states need assistance.

EPA's strategic plan says: "The idea that environmental protection is a shared responsibility between the states, tribes, and the federal government is embedded in our environmental laws, which in many cases provide states and tribes the opportunity and responsibility for implementing environmental protection programs. More than 45 years after the creation of the EPA and the enactment of a broad set of federal environmental protection laws, most states, and to a lesser extent territories and tribes, are authorized to implement environmental programs within their jurisdictions in lieu of EPA-administered federal programs. Specifically, states have assumed more than 96 percent of the delegable authorities under federal law."

Environmental quality programs run at the state level can account for geology, geography, topography, hydrology and weather factors specific to the state's longitude and latitude. In engineering and science, temperatures and pressures matter and geology matters. In recovering oil, it matters whether your well completions are a half mile below the surface or two miles below the surface, like they are in North Dakota. In recovering coal, topography, geology and hydrology matter so much they are the first items investigated when looking into a new coal field. North Dakota is a producing state, and we take pride in our products produced for the market, but also the high quality of our clean water and air as we produce.

States are able to design their programs and hire resources necessary to evaluate the specifics, how they change the engineering and science, and regulate within the boundaries of that scientific and engineering design arena. EPA must have a national perspective. It would not make sense, or be a good use of taxpayer dollars, for EPA to have enough resources to regulate to the level of specificity needed to account for each state's physical characteristics. A national approach is not always a sufficient approach, and that is why EPA has the authority to delegate responsibility to the states, partnering with them to make the best use of the manpower, resources, and institutional knowledge available.

State programs have inspectors who make frequent observations of the facilities which the state has permitted. These inspectors are familiar with the facilities they monitor, the sources of discharge and potential emissions, and where to focus inspections to monitor for compliance. If you are not inspecting, you cannot effectively monitor compliance. A state-run primacy program also provides regulatory certainty for industry. EPA is subject to political changes that come with every change in administration. But once established, the state programs provide a steady hand, only modified when new rules are promulgated.

EPA's model of enforcement is a sue and settle model. Once a company receives a notice of violation, the Department of Justice (DOJ) attorneys become the point of contact. Further discussion on data, science or engineering cannot take place with DOJ. The engineers are no longer in the room and the goal becomes negotiating a settlement, which provides no protection of the environment. In North Dakota's experience, the sue and settle model targets one company at a time, takes several months or years to finalize, and can generate millions of dollars in legal fees, both for the taxpayers and the companies, the latter of which only pass on the cost to the consumer.

North Dakota's model for industry has been dubbed "Find it and Fix it," a robust monitoring and inspection program that leads to immediate fixes and compliance to the benefit of the environment. This is possible because North Dakota DEQ meets with multiple companies at one time to discuss ideas for science and engineering-based solutions. In 2016, the oil and gas industry took these discussions further, collectively developing equipment and inspection tools that DEQ director, David Glatt called "Compliance Plus." Not only does this model benefit North Dakotans, but the new designs and tools have already been shared across multiple states and globally within the oil and gas industry.

A state-run program allows the science, data, and facts of environmental controls to govern the discussion, leaving the political and litigation agendas on the side lines. These types of state and industry partnerships encourage the creative minds in the room to develop the most innovative solutions. I have included a fact sheet comparing North Dakota's "Find it and Fix it" program with the EPA's sue and settle model.

As a North Dakotan and a state senator, I am extremely confident that our citizens, state leaders, and regulatory agency employees want and desire clean air and water, we know our state and we will do everything possible to ensure our state continues to have the cleanest air, water, and soil in the nation. I take personal pride in it. North Dakota has continued to achieve the cleanest air and water in the country while becoming a leader in energy development. This has helped our country move toward energy independence while substantially reducing energy costs for every citizen and business across this country.

Thank you. I hope you consider our experience in North Dakota as your committee addresses these important issues.

Sincerely,

Senator Jessica Unruh
North Dakota State Senate

A COMPARATIVE CASE STUDY

The State of North Dakota and the U.S. Environmental Protection Agency under the Obama Administration employed substantially different regulatory approaches to oil and gas development in North Dakota.

NORTH DAKOTA

"FIND & FIX"

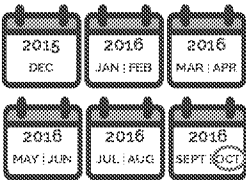
Embrace compliance, prevention and innovation for future efficiencies industry-wide. Through this process, regulators and industry work together to identify the issue, find solutions, and fix the issue, resulting in Day 1 compliance that quickly benefits the environment.

THE U.S. EPA

"SUE OR SETTLE"

Emphasis is on penalties and compliance through intimidation. This method embraces bureaucracy and expensive legal pursuits that forces compliance through intimidation rather than focusing on problem-solving. Action is also done one company at a time, meaning very little to no benefit to the environment during the process.

PROCESS DURATION & PARTICIPANTS



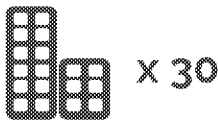
10 MONTHS

working with Industry to identify solutions & an agreement issued Oct. 2016. Meanwhile, companies were voluntarily inspecting and modifying equipment.



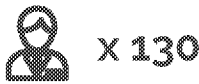
3 STATE EMPLOYEES

including 2 from Dept. of Health and 1 from Attorney General's Office.



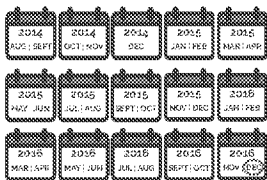
30 COMPANIES

producing 93% of ND's oil and the North Dakota Petroleum Council participated in finding solutions.



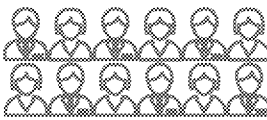
130 INDUSTRY EMPLOYEES

participated in the Task Force, consolidating time, effort and expertise.



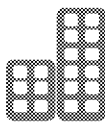
30 MONTHS

to resolve 1 case with 6 still pending.



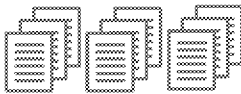
12 FEDERAL EMPLOYEES

including 5 EPA Attorneys, 2 Dept. of Justice Attorneys and 5 EPA scientists



1 COMPANY

that produces about 2.5% of North Dakota's oil had its case resolved.



500 PAGES

of documentation, plus more than 10,000 data points of information requested and filed.

COST IN TIME AND MONEY



3,000+ MANHOURS

spent by 30 companies for industry-wide standard.



\$255,000 to \$616,000

in estimated industry employee time.



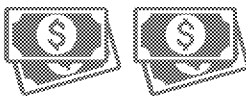
\$29,200

in estimated government employee time for industry-wide plan.



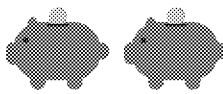
\$4.1 MILLION

in equipment inspection and modification.



\$1.2 MILLION

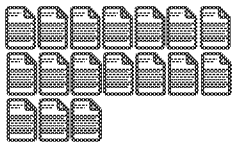
in industry employee time and contractor fees for one company.



\$186,900 and \$560,700

in estimated federal employee time alone, plus thousands for mileage and travel.

RESULTS



19 CONSENT DECREES

signed, covering 69% of ND's oil production & affecting 7500 wells.



FUTURE COMPLIANCE

Prevention and even new, leak-proof equipment were created.



1 CONSENT DECREE

signed, with 170 wells modified into compliance.



\$4.1 MILLION

spent on fines and mitigation projects that do not assist in resolving issue.

CONCLUSION. North Dakota's inclusive approach consolidates time and effort, allowing for collaborative education, new technologies and designs for enhanced compliance *industry-wide* that are beneficial early in the process and well into the future.

CONCLUSION. The U.S. EPA's approach addresses the issue one company at a time at a pace three times slower than the "Find and Fix" approach. This means more resources are depleted with very little return to the environment.

Message

From: Bette Grande [bette@bettegrande.com]
Sent: 2/25/2019 10:32:12 PM
To: Unruh, Jessica [Jessica.Unruh@nacoal.com]
CC: Aaron Stover [AStover@heartland.org]; Tim Huelskamp [THuelskamp@heartland.org]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf

Thank you so much for the testimony, we appreciate you taking the time and look forward to working with you in the future.

On Mon, Feb 25, 2019 at 4:27 PM Unruh, Jessica <Jessica.Unruh@nacoal.com> wrote:

Good afternoon, all!

I've attached my letter to this email. Please let me know if you need any additional information. I truly appreciate the opportunity to weigh in on this very important issue.

Thank you,

Sen. Jessica Unruh

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--

Bette Grande

Research Fellow, Energy Policy
The Heartland Institute
governmentrelations@heartland.org

Ex. 6 Personal Privacy (PP)

Ms. Grande represented the 41st District in the North Dakota Legislature from 1996 to 2014.

Message

From: Unruh, Jessica [Jessica.Unruh@Nacoal.com]
Sent: 2/25/2019 10:27:05 PM
To: Aaron Stover [AStover@heartland.org]; Tim Huelskamp [THuelskamp@heartland.org]; bette@bettegrande.com; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf
Attachments: Letter - Sen Unruh to Rep Walden - EPA State Primacy.pdf; ATT00001.txt

Good afternoon, all!

I've attached my letter to this email. Please let me know if you need any additional information. I truly appreciate the opportunity to weigh in on this very important issue.

Thank you,

Sen. Jessica Unruh

NOTICE: If you have received this communication in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents.

Senator Jessica Unruh
North Dakota State Senate
District 33
1224 1st Ave. NE
Beulah, ND 58523

February 25, 2019

The Honorable Greg Walden
Ranking Member
House Committee on Energy & Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Walden:

I am North Dakota state Senator Jessica Unruh. In addition to representing the fine citizens in my district of North Dakota for the past 8 years, I have spent 15 years as an environmental regulatory manager for a coal mine, working hand in hand with state regulators implementing federal environmental regulatory programs.

I write to express my support for and describe the value of a state-run primacy program for environmental quality monitoring and enforcement. I will outline the local approach a state-run program provides, its efficacy and the benefit to the American taxpayer as the state partners with EPA on environmental compliance and enforcement.

North Dakota is only one of a handful of states that meets all the national air quality standards and is one of the largest producers of energy in the nation. We are the number two oil producer in the country, ninth in production of coal, thirty-third in electrical generation from coal, number thirty-nine in wind, biomass, and hydroelectric generation, number one in six total agriculture crops and North Dakota is still ranked number one in air and water quality. The environmental quality we North Dakotans enjoy shows that we put the environment first. The North Dakota Department of Environmental Quality (DEQ), created with a bill I introduced, through its programs and its primacy will continue to provide our citizens clean air, clean water and superior soil quality.

North Dakota prioritizes the environment and achieves results all while producing energy our country can rely on. North Dakota lignite coal provides low-cost and dependable electricity to over two million consumers and businesses throughout the Midwest and, according to the U.S. Energy Information Administration, North Dakota ranks near the top for low-cost electricity for residential use. North Dakota is also a top oil producing state, second only to Texas. In December we set a new production record of 1.4 million barrels per day.

EPA's strategic plan for 2018 -2022 includes three goals: to deliver real results, embrace cooperative Federalism, and follow the rule of law and process. These three goals will protect the environment while providing cost savings and real buy in from companies regulated under the law.

In this strategic plan, EPA recognizes the partnership that the states provide as the first line of regulation and enforcement, with EPA as the second layer, ready to step in when the states need assistance.

EPA's strategic plan says: "The idea that environmental protection is a shared responsibility between the states, tribes, and the federal government is embedded in our environmental laws, which in many cases provide states and tribes the opportunity and responsibility for implementing environmental protection programs. More than 45 years after the creation of the EPA and the enactment of a broad set of federal environmental protection laws, most states, and to a lesser extent territories and tribes, are authorized to implement environmental programs within their jurisdictions in lieu of EPA-administered federal programs. Specifically, states have assumed more than 96 percent of the delegable authorities under federal law."

Environmental quality programs run at the state level can account for geology, geography, topography, hydrology and weather factors specific to the state's longitude and latitude. In engineering and science, temperatures and pressures matter and geology matters. In recovering oil, it matters whether your well completions are a half mile below the surface or two miles below the surface, like they are in North Dakota. In recovering coal, topography, geology and hydrology matter so much they are the first items investigated when looking into a new coal field. North Dakota is a producing state, and we take pride in our products produced for the market, but also the high quality of our clean water and air as we produce.

States are able to design their programs and hire resources necessary to evaluate the specifics, how they change the engineering and science, and regulate within the boundaries of that scientific and engineering design arena. EPA must have a national perspective. It would not make sense, or be a good use of taxpayer dollars, for EPA to have enough resources to regulate to the level of specificity needed to account for each state's physical characteristics. A national approach is not always a sufficient approach, and that is why EPA has the authority to delegate responsibility to the states, partnering with them to make the best use of the manpower, resources, and institutional knowledge available.

State programs have inspectors who make frequent observations of the facilities which the state has permitted. These inspectors are familiar with the facilities they monitor, the sources of discharge and potential emissions, and where to focus inspections to monitor for compliance. If you are not inspecting, you cannot effectively monitor compliance. A state-run primacy program also provides regulatory certainty for industry. EPA is subject to political changes that come with every change in administration. But once established, the state programs provide a steady hand, only modified when new rules are promulgated.

EPA's model of enforcement is a sue and settle model. Once a company receives a notice of violation, the Department of Justice (DOJ) attorneys become the point of contact. Further discussion on data, science or engineering cannot take place with DOJ. The engineers are no longer in the room and the goal becomes negotiating a settlement, which provides no protection of the environment. In North Dakota's experience, the sue and settle model targets one company at a time, takes several months or years to finalize, and can generate millions of dollars in legal fees, both for the taxpayers and the companies, the latter of which only pass on the cost to the consumer.

North Dakota's model for industry has been dubbed "Find it and Fix it," a robust monitoring and inspection program that leads to immediate fixes and compliance to the benefit of the environment. This is possible because North Dakota DEQ meets with multiple companies at one time to discuss ideas for science and engineering-based solutions. In 2016, the oil and gas industry took these discussions further, collectively developing equipment and inspection tools that DEQ director, David Glatt called "Compliance Plus." Not only does this model benefit North Dakotans, but the new designs and tools have already been shared across multiple states and globally within the oil and gas industry.

A state-run program allows the science, data, and facts of environmental controls to govern the discussion, leaving the political and litigation agendas on the side lines. These types of state and industry partnerships encourage the creative minds in the room to develop the most innovative solutions. I have included a fact sheet comparing North Dakota's "Find it and Fix it" program with the EPA's sue and settle model.

As a North Dakotan and a state senator, I am extremely confident that our citizens, state leaders, and regulatory agency employees want and desire clean air and water, we know our state and we will do everything possible to ensure our state continues to have the cleanest air, water, and soil in the nation. I take personal pride in it. North Dakota has continued to achieve the cleanest air and water in the country while becoming a leader in energy development. This has helped our country move toward energy independence while substantially reducing energy costs for every citizen and business across this country.

Thank you. I hope you consider our experience in North Dakota as your committee addresses these important issues.

Sincerely,

Senator Jessica Unruh
North Dakota State Senate

A COMPARATIVE CASE STUDY

The State of North Dakota and the U.S. Environmental Protection Agency under the Obama Administration employed substantially different regulatory approaches to oil and gas development in North Dakota.

NORTH DAKOTA

"FIND & FIX"

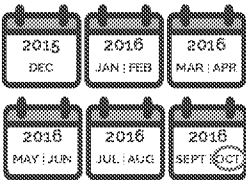
Embrace compliance, prevention and innovation for future efficiencies industry-wide. Through this process, regulators and industry work together to identify the issue, find solutions, and fix the issue, resulting in Day 1 compliance that quickly benefits the environment.

THE U.S. EPA

"SUE OR SETTLE"

Emphasis is on penalties and compliance through intimidation. This method embraces bureaucracy and expensive legal pursuits that forces compliance through intimidation rather than focusing on problem-solving. Action is also done one company at a time, meaning very little to no benefit to the environment during the process.

PROCESS DURATION & PARTICIPANTS



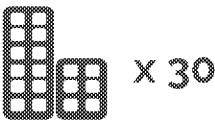
10 MONTHS

working with Industry to identify solutions & an agreement issued Oct. 2016. Meanwhile, companies were voluntarily inspecting and modifying equipment.



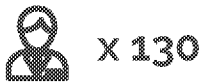
3 STATE EMPLOYEES

including 2 from Dept. of Health and 1 from Attorney General's Office.



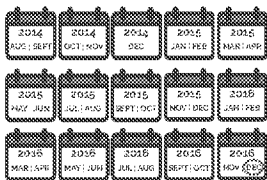
30 COMPANIES

producing 93% of ND's oil and the North Dakota Petroleum Council participated in finding solutions.



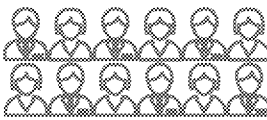
130 INDUSTRY EMPLOYEES

participated in the Task Force, consolidating time, effort and expertise.



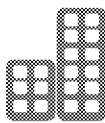
30 MONTHS

to resolve 1 case with 6 still pending.



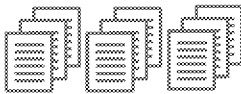
12 FEDERAL EMPLOYEES

including 5 EPA Attorneys, 2 Dept. of Justice Attorneys and 5 EPA scientists



1 COMPANY

that produces about 2.5% of North Dakota's oil had its case resolved.



500 PAGES

of documentation, plus more than 10,000 data points of information requested and filed.

COST IN TIME AND MONEY



3,000+ MANHOURS

spent by 30 companies for industry-wide standard.



\$255,000 to \$616,000

in estimated industry employee time.



\$29,200

in estimated government employee time for industry-wide plan.



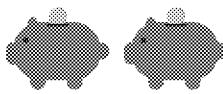
\$4.1 MILLION

in equipment inspection and modification.



\$1.2 MILLION

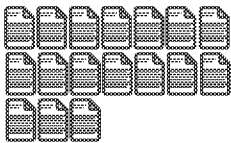
in industry employee time and contractor fees for one company.



\$186,900 and \$560,700

in estimated federal employee time alone, plus thousands for mileage and travel.

RESULTS



19 CONSENT DECREES

signed, covering 69% of ND's oil production & affecting 7500 wells.



FUTURE COMPLIANCE

Prevention and even new, leak-proof equipment were created.



1 CONSENT DECREE

signed, with 170 wells modified into compliance.



\$4.1 MILLION

spent on fines and mitigation projects that do not assist in resolving issue.

CONCLUSION. North Dakota's inclusive approach consolidates time and effort, allowing for collaborative education, new technologies and designs for enhanced compliance *industry-wide* that are beneficial early in the process and well into the future.

CONCLUSION. The U.S. EPA's approach addresses the issue one company at a time at a pace three times slower than the "Find and Fix" approach. This means more resources are depleted with very little return to the environment.

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 2/25/2019 7:41:14 PM
To: Aaron Stover [AStover@heartland.org]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: jessica.unruh@nacoal.com; Tim Huelskamp [THuelskamp@heartland.org]; Bette Grande (External) [bette@bettegrande.com]
Subject: RE: E&C Hearing Witness

Would be great to get it sent over by this evening.

-Aaron

From: Aaron Stover <AStover@heartland.org>
Sent: Monday, February 25, 2019 2:30 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: jessica.unruh@nacoal.com; Tim Huelskamp <THuelskamp@heartland.org>; Bette Grande (External) <bette@bettegrande.com>
Subject: RE: E&C Hearing Witness

Hi Aaron, yes we can work on that today. When will you need this by?

Best regards,
Aaron

From: Ringel, Aaron [mailto:ringel.aaron@epa.gov]
Sent: Monday, February 25, 2019 1:17 PM
To: Aaron Stover; Jackson, Ryan
Cc: jessica.unruh@nacoal.com; Tim Huelskamp; Bette Grande (External)
Subject: RE: E&C Hearing Witness

Hi Aaron, we heard back from committee staff and the subcommittee doesn't accept testimony for the record but if you are able to write a letter to Walden, not mentioning the hearing, but speaking supportively about our enforcement activities then he can submit that for the record tomorrow. Please let me know what we can do to help facilitate.

Best,
Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

From: Aaron Stover <AStover@heartland.org>
Sent: Monday, February 25, 2019 12:21 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: jessica.unruh@nacoal.com; Tim Huelskamp <THuelskamp@heartland.org>; Bette Grande (External)

<bette@bettegrande.com>

Subject: RE: E&C Hearing Witness

Ryan, thanks for clarifying. We are prepared to submit testimony should you need it and await your confirmation.

Best regards,

Aaron

From: Jackson, Ryan [<mailto:jackson.ryan@epa.gov>]

Sent: Monday, February 25, 2019 12:10 PM

To: Aaron Stover; Ringel, Aaron

Cc: jessica.unruh@nacoal.com; Tim Huelskamp; Bette Grande (External)

Subject: RE: E&C Hearing Witness

This is much appreciated. On Friday, the subcommittee was able to announce a minority party witness for the second panel. Apparently even though there are five majority witnesses, the Republicans are not able to have more than one minority party witness for the second panel. However, it's very usual for additional written testimony to be submitted for the record for the hearing transcript. We have asked that additional written testimony at least be able to be included. That is something we are waiting to hear back on.

From: Aaron Stover [<mailto:AStover@heartland.org>]

Sent: Sunday, February 24, 2019 7:29 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Cc: jessica.unruh@nacoal.com; Tim Huelskamp <THuelskamp@heartland.org>; Bette Grande (External)

<bette@bettegrande.com>

Subject: E&C Hearing Witness

Hi Ryan,

As discussed at Thursday's meeting, we have found a state legislator who is interested in serving as witness at the Tuesday hearing on EPA enforcement. Please let me introduce you by email State Rep. Jessica Unruh (R-ND-33). We look forward to hearing from you on next steps.

Best regards,

Aaron

Aaron Stover

Director of Federal Government/Corporate Relations

THE HEARTLAND INSTITUTE

Phone: Ex. 6 Personal Privacy (PP)

Email: astover@heartland.org

www.heartland.org

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Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 2/25/2019 6:15:06 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: E&C Hearing Witness

No problem.

-Aaron

From: Jackson, Ryan
Sent: Monday, February 25, 2019 1:14 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: E&C Hearing Witness

Will you respond back to my email to the group?

From: Ringel, Aaron
Sent: Monday, February 25, 2019 12:40 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: E&C Hearing Witness

Heard back from them. The subcommittee doesn't take testimony for the record but if they want to write a letter to Walden, not mentioning the hearing, speaking supportively about our enforcement activities then he can submit that for the record during the hearing.

-Aaron

From: Jackson, Ryan
Sent: Monday, February 25, 2019 11:55 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: E&C Hearing Witness

Any word on testimony for the record from the subcommittee staff?

From: Jackson, Ryan
Sent: Sunday, February 24, 2019 7:56 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: FW: E&C Hearing Witness

Is there an opportunity still?

From: Aaron Stover [mailto:ASTover@heartland.org]
Sent: Sunday, February 24, 2019 7:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: jessica.unruh@nacoal.com; Tim Huelskamp <THuelskamp@heartland.org>; Bette Grande (External) <bette@bettegrande.com>
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Aaron Stover
Director of Federal Government/Corporate Relations
THE HEARTLAND INSTITUTE

Phone: Ex. 6 Personal Privacy (PP)
Email: astover@heartland.org
www.heartland.org

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Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 2/25/2019 5:04:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: E&C Hearing Witness

Not yet, Travis and I reached out. Hope to hear back shortly.

-Aaron

From: Jackson, Ryan
Sent: Monday, February 25, 2019 11:55 AM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: E&C Hearing Witness

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Subject: FW: E&C Hearing Witness

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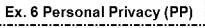
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message, is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 2/28/2019 8:26:09 PM
To: Goodin, John [Goodin.John@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]; Leadership_Regional_Administrators [Leadership_Regional_Administrators@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]; Walker, Mary [walker.mary@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

Folks,

This is a nice example of the great feedback Anna and others are getting on our trading memo. Thanks for your support in this effort, and I ask you to encourage your teams here at HQ and in the Regions to use this moment in time to think creatively and holistically about how to solve our water quality challenges. Addressing excess nutrients, improving stormwater management, making integrated planning a reality, and a host of other areas can and will benefit from getting out of our regulatory comfort zone. I encourage you to work with Anna and our team here at HQ to look for projects and opportunities to implement this new policy as quickly and effectively as you can.

Thanks again, and keep up the great work everyone!

Dave

Sent from my iPad

Begin forwarded message:

From: Ex. 6 Personal Privacy (PP)
Date: February 28, 2019 at 1:33:10 PM CST
To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover <astover@heartland.org>
Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>
Subject: Water Quality Trading Memo - follow up

Dear Anna,

At the request of Dr. Huelskamp, President of The Heartland Institute, as Science Director I have reviewed in detail your memorandum on market based solutions to improve the coordination of water use and water quality programs. I find it to be of exceptional value moving forward to continue to improve our nations water supply programs.

I was present working with EPA at its inception in 1971 serving on the Drinking Water Advisory Council. We discussed these approaches. However because it took a decade before all states had received primacy in carrying out the 7 pieces of legislation that underpinned EPA's efforts to ensure the very best water supply in the world, getting the states and geographic groupings to

work together definitely took a backseat. The 2003 directives were a new beginning without adequate effect. It is exciting to see this new effort that I believe can succeed this time.

The willingness of EPA to help finance some coordinated programs should help sell the program, but a great deal of marketing to the states will be necessary to overcome inertia in their existing programs. I am sure Dr. Huelskamp will be happy to have Heartland help in any way we could make an educational contribution.

I think you are off to a terrific start with this clear and detailed memorandum.

Jay Lehr, Ph.D
Science Director
The Heartland Institute

From: "Wildeman, Anna"
<wildeman.anna@epa.gov>
Date: February 21, 2019 at 1:24:00
PM EST
To: "astover@heartland.org"
<astover@heartland.org>
Cc: "Ross, David P"
<ross.davidp@epa.gov>
**Subject: Water Quality Trading
Memo - follow up**

Aaron,

Great to meet you today and hear about your work. As promised, attached is EPA's new policy memo on water quality trading. We are very interested in promoting market-based mechanisms to promote water quality improvements. Please let me know if you have any questions or if you would like to discuss further.

Best,

Anna

Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Ann@epa.gov

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 2/28/2019 8:17:34 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

Wanted to share this follow up from our Heartland meeting.

Sent from my iPad

Begin forwarded message:

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Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>
Subject: **Water Quality Trading Memo - follow up**

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<wildeman.anna@epa.gov>
Date: February 21, 2019 at 1:24:00

PM EST

To: "astover@heartland.org"

<astover@heartland.org>

Cc: "Ross, David P"

<ross.davidp@epa.gov>

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Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Anna@epa.gov

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 2/28/2019 8:19:34 PM
To: Wildeman, Anna [wildeman.anna@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
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A really nice feather in your cap. Well done. Let's stay focused and move quickly into implementation where we can.

Sent from my iPad

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From: **Ex. 6 Personal Privacy (PP)**
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To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover <astover@heartland.org>
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At the request of Dr. Huelskamp, President of The Heartland Institute, as Science Director I have reviewed in detail your memorandum on market based solutions to improve the coordination of water use and water quality programs. I find it to be of exceptional value moving forward to continue to improve our nations water supply programs.

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I think you are off to a terrific start with this clear and detailed memorandum.

Jay Lehr, Ph.D
Science Director
The Heartland Institute

From: "Wildeman, Anna"
<wildeman.anna@epa.gov>
Date: February 21, 2019 at 1:24:00 PM EST
To: "astover@heartland.org"
<astover@heartland.org>
Cc: "Ross, David P"
<ross.davidp@epa.gov>
Subject: Water Quality Trading
Memo - follow up

Aaron,

Great to meet you today and hear about your work. As promised, attached is EPA's new policy memo on water quality trading. We are very interested in promoting market-based mechanisms to promote water quality improvements. Please let me know if you have any questions or if you would like to discuss further.

Best,

Anna

Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Anna@epa.gov

Message

From: ross.davidp@epa.gov [ross.davidp@epa.gov]
Sent: 2/28/2019 8:32:07 PM
To: Goodin, John [Goodin.John@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]; Leadership_Regional_Administrators [Leadership_Regional_Administrators@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]; Walker, Mary [walker.mary@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

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Thanks again, and keep up the great work everyone!

Dave

Sent from my iPad

Begin forwarded message:

From: Ex. 6 Personal Privacy (PP)
Date: February 28, 2019 at 1:33:10 PM CST
To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover <astover@heartland.org>
Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>
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Sent: 2/28/2019 8:33:59 PM
To: Goodin, John [Goodin.John@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]; Leadership_Regional_Administrators [Leadership_Regional_Administrators@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]; Walker, Mary [walker.mary@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]
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1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Ann@epa.gov

Message

From: Ex. 6 Personal Privacy (PP)
Sent: 3/1/2019 10:47:42 PM
To: Wildeman, Anna [wildeman.anna@epa.gov]; Ex. 6 Personal Privacy (PP); Tim Huelskamp [thuelskamp@heartland.org]; Aaron Stover [astover@heartland.org]
CC: Ross, David P [ross.davidp@epa.gov]; Jim Lakely [jlakely@heartland.org]; James Taylor [jtaylor@heartland.org]; H. Sterling Burnett [hburnett@heartland.org]
Subject: Re: Water Quality Trading Memo - follow up

Thanks ever so much Anna. I look forward to the possibility of working with you in the future.

Jay

Sent from Yahoo Mail for iPad

On Friday, March 1, 2019, 5:43 PM, Wildeman, Anna <wildeman.anna@epa.gov> wrote:

Jay,

I've asked our program staff to put you on our list for interest in the financing convening. Hopefully you will receive updates as the schedule comes together. Great connecting with you and I look forward to finding a way to work together.

Best,

Anna

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, March 1, 2019 9:30 AM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Tim Huelskamp <thuelskamp@heartland.org>; Aaron Stover <astover@heartland.org>
Cc: Ross, David P <ross.davidp@epa.gov>; Jim Lakely <jlakely@heartland.org>; James Taylor <jtaylor@heartland.org>; H. Sterling Burnett <hburnett@heartland.org>
Subject: Re: Water Quality Trading Memo - follow up

Dear Anna,

I am so glad you told me about your plan for a May or June meeting to get the word out to states and stake holders and particularly working now with USDA. Next Tuesday and Wednesday I

will be in Lincoln Nebraska speaking to the Nebraska Bankers Association. They are primarily Agricultural focused banks who will be very pleased to learn of your new project. My primary talk will focus on the economics of rural areas, those that thrive and those that do not and why. Economic water supply and waste treatment are of importance, so they will be very interested in the strides you are making to improve things through water quality trading

I will also be allaying there concerns for agriculture regarding climate change, which in fact can only have positive impacts for them.

They will all receive the current copy of Heartland's Budget and Tax News whose front page this month is a picture our USDA Secretary Sonny Perdue, with articles that relate to water and Agriculture. You have assured that I will get a warm reception for this information.

We look forward to working on your behalf for this great program.

Jay

Sent from Yahoo Mail for iPad

On Friday, March 1, 2019, 8:35 AM, Wildeman, Anna <wildeman.anna@epa.gov> wrote:

Dr. Lehr,

Thank you for reviewing our new policy--we appreciate your feedback. We are working hard to get the message out to states and stakeholders that we see a lot of opportunities for leadership in this space. We are also working with USDA and are planning to host a joint financing convening in May or June to educate folks on the federal resources available to support nonpoint efforts and market-based programs. We welcome your support and please let us know if your team identifies any projects or efforts that could use our assistance to move the ball forward.

Best Regards,

Anna

Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Ann@epa.gov

From: Ex. 6 Personal Privacy (PP)
Sent: Thursday, February 28, 2019 2:33 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Tim Huelskamp <thuelskamp@heartland.org>; Aaron Stover <astover@heartland.org>
Cc: Ross, David P <ross.davidp@epa.gov>; Jim Lakely <jlakely@heartland.org>; James Taylor <jtaylor@heartland.org>
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Science Director

The Heartland Institute

From: "Wildeman,
Anna"
<wildeman.anna@epa.gov>
Date: February 21,
2019 at 1:24:00 PM
EST
To:
"astover@heartland.org"
<astover@heartland.org>
Cc: "Ross, David P"
<ross.davidp@epa.gov>
Subject: Water
Quality Trading
Memo - follow up

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ov

Message

From: Ross, David P [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: 2/28/2019 8:21:33 PM
To: Wildeman, Anna [wildeman.anna@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

A really nice feather in your cap. Well done. Let's stay focused and move quickly into implementation where we can.

Sent from my iPad

Begin forwarded message:

From: Ex. 6 Personal Privacy (PP)
Date: February 28, 2019 at 1:33:10 PM CST
To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover <astover@heartland.org>
Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>
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Office of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-5700

Wildeman.Anna@epa.gov

Message

From: Aaron Stover [AStover@heartland.org]
Sent: 2/21/2019 8:11:13 PM
To: Wildeman, Anna [wildeman.anna@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]
Subject: Re: Water Quality Trading Memo - follow up

Anna,

Thank you all for meeting as well, we will circulate this among our env. policy team and keep you posted on what we cover. Will get back to you if we have questions.

Best regards,
Aaron

Sent from my iPhone

On Feb 21, 2019, at 1:25 PM, Wildeman, Anna <wildeman.anna@epa.gov> wrote:

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<Trading Memo_Final_02062019.pdf>

Message

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Sent: 2/28/2019 8:18:48 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
Subject: Fwd: Water Quality Trading Memo - follow up
Attachments: Trading Memo_Final_02062019.pdf; ATT00001.htm

Wanted to share this follow up from our Heartland meeting.

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202-564-5700

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Message

From: Stepp, Cathy [stepp.cathy@epa.gov]
Sent: 3/1/2019 3:29:33 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: Re: Water Quality Trading Memo - follow up

Excellent work

Sent from my iPhone

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Washington, DC 20460

202-564-5700

Wildeman.Anna@epa.gov

<Trading Memo_Final_02062019.pdf>

Message

From: Nagle, Deborah [Nagle.Deborah@epa.gov]
Sent: 2/28/2019 10:04:12 PM
To: Ross, David P [ross.davidp@epa.gov]
Subject: RE: Water Quality Trading Memo - follow up

Will do.

-Deborah

Deborah G. Nagle, Director
Office of Science and Technology
1200 Pennsylvania Ave, NW
Washington, DC 20460
Tel: (202) 564-1185

From: Ross, David P
Sent: Thursday, February 28, 2019 3:34 PM
To: Goodin, John <Goodin.John@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Mclain, Jennifer <Mclain.Jennifer@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: Fwd: Water Quality Trading Memo - follow up

Folks,

This is a really nice example of the great feedback Anna and others are getting on our trading memo. Thanks for your support in this effort, and I ask you to encourage your teams here at HQ and in the Regions to use this moment in time to think creatively and holistically about how to solve our water quality challenges. Addressing excess nutrients, improving stormwater management, making integrated planning a reality, and a host of other areas can and will benefit from getting out of our regulatory comfort zone. I encourage you to work with Anna and our team here at HQ to look for projects and opportunities to implement this new policy as quickly and effectively as you can.

Thanks again, and keep up the great work everyone!

Dave

Sent from my iPad

Begin forwarded message:

From: Ex. 6 Personal Privacy (PP)
Date: February 28, 2019 at 1:33:10 PM CST
To: wildeman.anna@epa.gov, Tim Huelskamp <thuelskamp@heartland.org>, Aaron Stover

<astover@heartland.org>

Cc: ross.davidp@epa.gov, Jim Lakely <jlakely@heartland.org>, James Taylor <jtaylor@heartland.org>

Subject: Water Quality Trading Memo - follow up

Dear Anna,

At the request of Dr. Huelskamp, President of The Heartland Institute, as Science Director I have reviewed in detail your memorandum on market based solutions to improve the coordination of water use and water quality programs. I find it to be of exceptional value moving forward to continue to improve our nations water supply programs.

I was present working with EPA at its inception in 1971 serving on the Drinking Water Advisory Council. We discussed these approaches. However because it took a decade before all states had received primacy in carrying out the 7 pieces of legislation that underpinned EPA's efforts to ensure the very best water supply in the world, getting the states and geographic groupings to work together definitely took a backseat. The 2003 directives were a new beginning without adequate effect. It is exciting to see this new effort that I believe can succeed this time.

The willingness of EPA to help finance some coordinated programs should help sell the program, but a great deal of marketing to the states will be necessary to overcome inertia in their existing programs. I am sure Dr. Huelskamp will be happy to have Heartland help in any way we could make an educational contribution.

I think you are off to a terrific start with this clear and detailed memorandum.

Jay Lehr, Ph.D
Science Director
The Heartland Institute

From: "Wildeman, Anna"

<wildeman.anna@epa.gov>

Date: February 21, 2019 at 1:24:00 PM
EST

To: "<astover@heartland.org>"

<astover@heartland.org>

Cc: "Ross, David P"

<ross.davidp@epa.gov>

**Subject: Water Quality Trading Memo -
follow up**

Aaron,

Great to meet you today and hear about your work. As promised, attached is EPA's new policy memo on water quality trading. We are very interested in promoting market-based mechanisms to promote water quality improvements. Please let me know if you have any questions or if you would like to discuss further.

Best,

Anna

Anna Wildeman

Principal Deputy Assistant Administrator

Office of Water

Environmental Protection Agency

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